



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Project Number: 3012725

Applicant: Tom Campbell for Blue Heron Zen Community

Address of Proposal: 10303 Densmore Ave N

SUMMARY OF PROPOSAL

Land Use Application to allow a change of use from single family to religious facility

The following approval is required:

Administrative Conditional Use – to allow an institution in a Single Family zone (SMC23.44.022)

SITE AND VICINITY

Zoning: The proposal site is located in a Single Family 7200 zone, which generally extends to the north and south. The vicinity is largely developed with single family residences. Saint Nectorios Church is located immediately west of the proposal site. Belvedere Court, a 16-unit single-family detached condominium development is located immediately southeast of the site in a Single Family 5000 zone. Multi-family zoning is located about one block east of the site. The Seattle Police Department North Precinct is located about two blocks southeast of the site, and North Seattle Community College is east of that on College Way N.



Parcel Size: 11,766 sq. ft.

Existing Use: Two-story 3,550 sq. ft. single family residence. Approximately 10 years ago the house was remodeled, which included a second floor addition.

According to the applicant, the site has been used as a residence and Buddhist meditation and teaching center for 23 years. The Blue Heron Zen Community purchased the property in 2004, continuing the practice of offering public meditation services and residential accommodations for practicing students. The application for a conditional use permit is the result of a Notice of Violation (NOV) issued by DPD in November, 2011.

PUBLIC COMMENT:

The public comment period ended on December 7, 2011; five neighbors provided comments.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.44.022)

The Land Use Code allows the siting of institutions in residential zones through the administrative conditional use process. The DPD Director has the authority to approve condition or deny a conditional use application. This decision shall be based on whether the proposed use will be materially detrimental to the public welfare or injurious to property. The applicable criteria used for evaluating and or conditioning the applicant's proposal are discussed below.

D. General Provisions

New or expanding institutions in single family zones shall meet the development standards for uses permitted outright in Section 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution Master Plan

The plans submitted with the application meet applicable development standards enunciated in Section 23.44.008 through 23.44.016.

E. Dispersion

The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred (600) feet or more from any lot line of any other institution in a residential zone, with the following exceptions

- a. An institution may expand even though it is within six hundred (600) feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.*
- b. A proposed institution may be located less than six hundred (600) feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions.*

The proposal site is located within 600 feet of another institution; the St. Nectorios church, which includes a press and bookstore, is located adjacent to the site's west property line. The applicant requests an exception from the criterion pursuant to paragraph (b.), citing physical and operational elements that meet the intent of the dispersion standard so as to provide a 'substantial separation' from other institutions.

The intent of the dispersion criterion is to avoid the concentration of institutions in residential areas due to the potential for parking shortages, traffic congestion, and noise (see Land Use Policy 21, Seattle's Comprehensive Plan).

The applicant identifies the following physical elements of separation: 1) large lot size (11,766 sq. ft.) and placement of the house on the rear of the lot; 2) tall fence, arbors, and trees that provide visual separation between the church and Zen center; 3) adjacent church parking lot is landscaped with large trees and hedges; 5) the Zen center sits high above the street and is oriented toward Densmore Ave. N. and the church is on a corner over the hill facing N. 103rd St. and Ashworth Ave. N.; and 6) landscaping on all sides of the proposal site provides separation and screening from the abutting streets.

According to the King County Assessor's Office, the Nectorios church is located on a site containing 37,904 sq. ft., and the one-story building contains 7,698 sq.ft. It first located at its present site in 1971 in a small pre-fabricated building which was remodeled and added to in 1987. According to their website, the schedule of regular church services is as follows:

Friday: 7:00 pm
Saturday: 7:55 am; 8:15 am; and 7:00 pm
Sunday: 6:50 am; 8:15 am, and 7:00 pm

Operational elements contributing to the separation of the existing church and the Zen center include the hours of operation; the small scale of the proposal (size and attendees). Noise, parking impacts and traffic congestion would be minimal.

Average attendance for regular meditation practices, retreats and ceremonies was provided by the applicant, as follows:

Blue Heron Zen Center

Regular practice	Sunday	8-10:30 am	6-8people
Regular practice	Monday	7-8:00 pm	6-8 people
Regular practice	Tuesday	7-9:00 pm	8-10 people
Regular practice	Thursday	6:25-9:00 pm	6-8 people
Monthly retreats	Weekends	All day	8-10 people
3-4 retreats/year	Weekends	All day	16-20 people
Quarterly workshops			7-10 people
Ceremonies	2/year		30 people max.

For regular practices, the only overlap between the Zen center and the church occurs Sunday mornings between 8-10 am, when attendance at the center is 6-8 people, and monthly weekend retreats (8-10 people), Quarterly retreats (16-20 people), and biannual ceremonies (maximum of 30 people). The applicant anticipates minimal increases in the future due to the limitations of the space; the meditation room is 700 sq. ft. – building code would provide for an occupancy of 35 people; however, based on the meditation practices, the practical capacity is 30 people.

The proposal would have little or no visual impacts as it retains its single family residential appearance and scale, and is well landscaped and, as stated above, is topographically separate from the adjacent church and streets.

The Zen center has operated for 23 years until the recent NOV, which may be an indication of its minimal impact on the surrounding neighborhood. The small scale of the proposal, the residential character of the site (Including the topography and landscaping), and the operational elements described are factors that indicate separation adequate to meet the intent of the dispersion criterion and to waive the strict 600 ft. separation from other institutions.

F. Demolition of Residential Structures

No residential structure shall be demolished nor shall its use be changed to provide for parking.

No demolition of residential structures is proposed; therefore, this criterion is not applicable.

G. Reuse of Existing Structures

Existing structures may be converted to institution use if the yard requirements for institutions are met. Existing structures which do not meet these yard requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.

The proposal would convert the existing single family residence to institution use. The structure has space for 4 residents; according to the applicant, generally 3 of the 4 rooms are occupied.

H. Noise and Odors

For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational area, trash and refuse storage areas, ventilating mechanisms, sport facilities, and other noise generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.

Based on information provided by the applicant, no activities associated with the proposed use are anticipated to result in noise or odors, as services and events are conducted indoors. The services include chanting and use of a bell, but primarily involve silent meditation. Typical noises would be that resulting from cars and conversations upon entering and exiting the site. No conditioning of noise and odor impacts is necessary.

I. Landscaping

Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.

The site is adequately landscaped with trees, shrubs and flowers; therefore no further conditioning is warranted.

J. Light and Glare

Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots.

The existing lighting is characteristic of single family uses, including low voltage path lighting. The proposed change of use will not change any light and glare impacts already existing on site.

K. Bulk and Siting

1. *Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:*
 - a. *For lots with unusual configuration or uneven boundaries, the proposed principal structures are located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum.*

- b. For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.*
- 2. Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no such structure other than freestanding walls fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*

The lot area, at 11,766 sq. ft., is less than 1 acre in size. The proposal meets the yard requirements for single family developed, as required by Section 23.44.008.

- 3. Height Limit. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or spire, may be extended an additional twenty-five feet (25') above the height limit.*

This provision is not applicable as no religious symbols are proposed.

- 4. Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of the bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

The south façade, facing N. 103rd St, is approximately 40 ft. and the east façade, facing Densmore Ave. N, is approximately 34 feet. The structure was constructed as and retains the appearance of a single family residence. Furthermore, the structure is set back from adjacent streets (about 30 feet from N. 103rd St. and 65 feet from Densmore Ave. N.), sits approximately 20 feet above street level, and is screened by mature vegetation. No mitigation of bulk is necessary.

L. Parking and Loading Berth Requirements

SMC 23.44.022.L provides that the Director may modify the parking and loading requirements of Section 23.54.15, required parking, and the requirements of Section 23.44.016, parking location and access, on a case by case basis using the information contained in the transportation plan prepared pursuant to Subsection M of this section. The modification shall be based on adopted City policies and shall:

1. *Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and*
2. *Not cause undue traffic through residential streets nor create a safety hazard.*

The applicant has modified the plans in order to meet the on-site parking requirement for 9 spaces. Since the Land Use Code does not provide for the use of tandem spaces for institutions, the applicant is technically only providing 9 on-site parking spaces, although 10 cars can be accommodated. No loading spaces are required. The application does not require modification of parking and loading berth requirements.

M. Transportation Plan

A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of the structure area and/or required to provide twenty (20) or more spaces.

The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Discussion of the following elements and other factors may be required:

1. *Traffic. Number of staff on site during normal working hours, number of users, guests and others regularly associated with the site, level of vehicular traffic generated, traffic peaking characteristics of the institution and in the immediate area, likely vehicle use patterns, extent of traffic congestion, types and numbers of vehicles associated with the institution and mitigating measures to be taken by the applicant;*
2. *Parking. Number of spaces, the extent of screening from the street or abutting residentially zoned lots, direction of vehicle light glare, direction of lighting, sources of possible vibration, prevailing direction of exhaust fumes, location of parking access and curb cuts, accessibility or convenience of parking and measures to be taken by the applicant such as preference given some parking spaces for carpool and vanpool vehicles and provision of bicycle racks;*
3. *Parking Overflow. Number of vehicles expected to park on neighboring streets, percentage of on-street parking supply to be removed or used by the proposed project, opportunities for sharing existing parking, trends in local area development and mitigating measures to be taken by the applicant*
4. *Safety. Measures to be taken by the applicant to ensure safe vehicular and pedestrian travel in the vicinity;*

5. *Availability of Public or Private Mass Transportation Systems. Route location and frequency of service, private mass transportation programs including carpools and vanpools, to be provided by the applicant.*

The applicant has submitted a transportation plan that identified traffic and parking impacts as well as proposed measures to address parking and traffic demands. Details are provided in the application materials in the project file. In general, these measures include the following:

- Transportation Planner to reduce Single Occupant Vehicle (SOV) trips for events that exceed 10 persons
- The Planner will work with members and participants to develop a carpooling strategy, including matching of potential carpoolers for larger events
- The Center's website will provide information about bus routes and schedules from various parts of the city.
- The Center will provide an area for bike and motorcycle parking on-site.
- The Center will implement a "dispersed parking plan" for events that exceed 10 persons-participants will be encouraged to park within a 2-block radius of the Center rather than in immediately adjacent on-street parking spaces.
- Events exceeding 20 persons will not occur during major Sunday services that occur at St. Nectorino's church.

In order to formalize the elements of the proposed transportation plan for events exceeding 20 persons, the applicant will be required to include the details on the project plans.

Administrative Conditional Use General Provisions (SMC 23.44.018)

- A. *Only those conditional uses identified in this subchapter as conditional uses may be authorized as conditional uses in single family zones. The Master Use Permit process set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions shall be used to authorize conditional uses.*

The City recognizes the public benefit achieved by accommodating institutions such as religious facilities in single family zones. In recognition of the potential for adverse impacts on a residential neighborhood, the Land Use Code identifies criteria and standards to be reviewed for each such proposal in order to reduce impacts of institutions in single family zone.

- B. *Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Sections 23.44.006 through 23.44.016.*

The subject proposal meets all of the development standards or allowable exceptions for uses permitted outright.

- C. *A conditional use may be approved, conditioned or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The proposal is conditioned below to maintain the single family landscaping elements of the site. The proposed use will not be materially detrimental or injurious to property in the zone or vicinity.

- D. *In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.*

The proposal is conditioned to provide a Transportation Plan for events exceeding 20 persons and provide details on approved plans. The proposal will not result in impacts that warrant additional conditions to protect other properties in the zone or vicinity.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The conditional use application is **approved with conditions.**

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

Prior to Issuance of Master Use Permit

1. Provide the details of the Transportation Plan for events exceeding 20 persons, on the project plans.

For the Life of the Project

2. Maintain the fence and perimeter landscaping shown on approved plans.

Signature: _____ (signature on file) Date: June 21, 2012
Cheryl Waldman, Supervising Land Use Planner
Department of Planning and Development

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